

MONTANA LEGISLATIVE HISTORY

Chapter 44 19 93

Bill H _____ S 135 Original bill & history ✓ C

H. Committee on Highways & Transportation

Hearing Date(s) Feb 01 ✓ C

_____ C

_____ C

_____ C

Date Out Feb 02 ✓ C

S. Committee on Highways & Transportation

Hearing Date(s) Jan 19 ✓ C

_____ C

_____ C

_____ C

Jan 19 ✓ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

SB 135 INTRODUCED BY MESAROS
REVISE TRAFFIC-CONTROL SIGNAL LEGEND
BY REQUEST OF DEPARTMENT OF TRANSPORTATION

1/13	INTRODUCED		
1/13	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/13	FIRST READING		
1/19	HEARING		
1/19	COMMITTEE REPORT—BILL PASSED		
1/20	2ND READING PASSED	46	0
1/21	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
1/22	FIRST READING		
1/22	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/01	HEARING		
2/02	COMMITTEE REPORT—BILL CONCURRED		
2/06	2ND READING CONCURRED	83	13
2/09	3RD READING CONCURRED	88	11
	RETURNED TO SENATE		
2/12	SIGNED BY PRESIDENT		
2/14	SIGNED BY SPEAKER		
2/15	TRANSMITTED TO GOVERNOR		
2/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 44		
	EFFECTIVE DATE: 10/01/93		

SB 136 INTRODUCED BY GAGE
ALLOW INCREASE IN DISTRICT BUDGET BY CUMULATIVE RATE EACH
YEAR SINCE 1990

1/13	INTRODUCED		
1/13	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/13	FIRST READING		
1/18	HEARING		
1/18	COMMITTEE REPORT—BILL PASSED		
1/19	FISCAL NOTE REQUESTED		
1/19	FISCAL NOTE RECEIVED		
1/19	2ND READING PASSED	49	0
1/20	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
1/21	FIRST READING		
1/21	FISCAL NOTE PRINTED		
1/21	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/08	HEARING		
3/03	COMMITTEE REPORT—BILL CONCURRED		
3/06	2ND READING CONCUR MOTION FAILED	30	70

SB 137 INTRODUCED BY GAGE
TRANSFER CORONER EDUCATION TO BOARD OF CRIME CONTROL
BY REQUEST OF DEPARTMENT OF JUSTICE

1/13	INTRODUCED		
1/13	REFERRED TO STATE ADMINISTRATION		
1/13	FIRST READING		
1/19	HEARING		
1/20	COMMITTEE REPORT—BILL PASSED		
1/21	2ND READING PASSED	48	0
1/22	3RD READING PASSED	49	0

SENATE BILL NO. 135

INTRODUCED BY MESAROS
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

IN THE SENATE

JANUARY 13, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
JANUARY 19, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 20, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
JANUARY 21, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 48; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 22, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 2, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 6, 1993	SECOND READING, CONCURRED IN.
FEBRUARY 9, 1993	THIRD READING, CONCURRED IN. AYES, 88; NOES, 11.
FEBRUARY 10, 1993	RETURNED TO SENATE.

IN THE SENATE

FEBRUARY 10, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 135
2 INTRODUCED BY Meserve
3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE LAW
6 RELATING TO THE TRAFFIC-CONTROL SIGNAL LEGEND; AND AMENDING
7 SECTION 61-8-207, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 61-8-207, MCA, is amended to read:

11 "61-8-207. Traffic-control signal legend. Whenever
12 traffic is controlled by traffic-control signals exhibiting
13 the words "Go", "Caution", or "Stop" or exhibiting different
14 colored lights successively one at a time or with arrows,
15 the following colors only must be used and the terms and
16 lights must indicate and apply to drivers of vehicles and
17 pedestrians as follows:

18 (1) green alone or "Go":

19 (a) Vehicular traffic facing the signal may proceed
20 straight through or turn left or right unless a sign at the
21 place prohibits either turn. But vehicular traffic,
22 including vehicles turning right or left, must yield the
23 right-of-way to other vehicles and to pedestrians lawfully
24 within the intersection or an adjacent crosswalk at the time
25 the signal is exhibited.

1 (b) Pedestrians facing the signal may proceed across
2 the roadway within any marked or unmarked crosswalk.

3 (2) yellow alone or "Caution" when shown following the
4 green or "Go" signal:

5 (a) Vehicular traffic facing the signal is warned that
6 the red or "Stop" signal will be exhibited immediately
7 thereafter and vehicular traffic may not enter ~~or--be~~
8 crossing the intersection when the red or "Stop" signal is
9 exhibited.

10 (b) Pedestrians facing the signals are advised that
11 there is insufficient time to cross the roadway, and a
12 pedestrian then starting to cross shall yield the
13 right-of-way to all vehicles.

14 (3) red alone or "Stop":

15 (a) Vehicular traffic facing the signal must stop
16 before entering the crosswalk on the near side of the
17 intersection or, if none, then before entering the
18 intersection and must remain standing until green or "Go" is
19 shown alone, until a right turn can safely be made, or until
20 a left turn can safely be made from the far left lane if the
21 turn is made from a one-way street onto another one-way
22 street going left. In making the turn, vehicular traffic
23 must yield the right-of-way to pedestrians lawfully within
24 the crosswalk and to other traffic lawfully using the
25 intersection. If a traffic sign legend indicating that no

1 right turn on red or no left turn on red may be made after a
2 stop is posted at the intersection, the movement cannot be
3 made until green or "Go" is shown alone.

4 (b) A pedestrian facing a signal may not enter the
5 roadway unless he the pedestrian can do so safely and
6 without interfering with any vehicular traffic.

7 (4) red with a green arrow:

8 (a) Vehicular traffic facing a signal may cautiously
9 enter the intersection only to make the movement indicated
10 by the arrow but must yield the right-of-way to pedestrians
11 lawfully within the crosswalk and to other traffic lawfully
12 using the intersection.

13 (b) A pedestrian facing a signal may not enter the
14 roadway unless he the pedestrian can do so safely and
15 without interfering with vehicular traffic.

16 (5) traffic-control signal at a place other than an
17 intersection:

18 (a) In the event an official traffic-control signal is
19 erected and maintained at a place other than an
20 intersection, the provisions of this section are applicable
21 except as to those provisions that by their very nature can
22 have no application.

23 (b) Any stop required must be made at a sign or marking
24 on the pavement indicating where the stop must be made, but
25 in the absence of any sign or marking, the stop must be made

1 at the signal."

-End-

safety within construction sites on Montana's Highways.

HEARING ON SENATE BILL 135

Opening Statement by Sponsor:

SEN. KEN MESAROS stated he was carrying SB 135 which addresses the use of caution and yellow lights in street intersections for DOT. Presently the law states it is illegal for a vehicle "to enter or be crossing" an intersection when the light turns red. According to SEN. MESAROS the intent of SB 135 is to amend the existing code to no longer make it a violation for a vehicle to be in an intersection when the light turns red. SB 135 is designed to eliminate potential unavoidable violations, and is consistent with recommendations found in Federal Highways Administration manuals and publications of the National Committee On Uniform Traffic Laws and Ordinances. SEN. MESAROS mentioned SB 135 would alter the existing code in one more way. It would substitute the word "pedestrian" for "he" in this section of the law.

Proponents' Testimony:

Tom Barnard, Administrator, Highways Division, DOT stated SB 135 is necessary because of the manner traffic signals are designed. Thirty years ago the current law was appropriate, but today it is not. He then read from written testimony (Exhibit #2).

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. TVEIT asked Tom Barnard to clarify what SB 135 would accomplish. Tom Barnard replied DOT was trying to make it legal for a vehicle to be in the intersection when it turns red. SB 135 would make it illegal to enter the intersection but not illegal to be in the intersection.

CHAIRMAN WEEDING asked if the intent of SB 135 was to facilitate the left turn. Tom Barnard replied that SB 135 has two purposes. The first is to accommodate left turns. He explained that when an intersection has a low volume of left turns, putting a separate left turn phase in the traffic light would not be a good idea. The reason is that the light cycle takes more time and causes delays or back ups in the traffic. Instead, those left-turning vehicles should be encouraged to wait until the light turns yellow, to pull out in the intersection and wait for the traffic to stop and then to make the left turn during the all-red phase. The second purpose of SB 135 is so a vehicle proceeding straight through the intersection can enter on the yellow and complete their movement during the all-red.

SEN. KOEHNKE asked if all lights, even the older ones, are

currently set that way. Tom Barnard stated that to his knowledge all lights are now set that way. Those lights that might not be would be signals in cities off of the Federal Aid System. He assured SEN. KOEHNKE that would be investigated and taken care of prior to SB 135 going into effect.

SEN. TVEIT requested clarification as to the definition of a "signal". Tom Barnard introduced Don Dusek, State Traffic Engineer, who stated his belief that a traffic signal is the complete unit of all of the various colors facing all approaches. If a particular color signal is meant, that is so indicated.

Tom Barnard stated that section 1 of the current law is helpful to define the terms. It refers to traffic control signals but legends are defined as red, yellow, green.

SEN. REA asked what the legal situation is of a vehicle second in line to make a left turn if the driver has also edged into the intersection. Tom Barnard replied that if SB 135 is passed that vehicle's movement would be legal as long as the vehicle was already in the intersection before the signal turned red.

Closing by Sponsor:

SEN. MESAROS stated that SB 135 would eliminate the potential for unavoidable traffic violation and facilitate left hand turns as well as the flow of traffic. He did not feel that SB 135 would pose any increased hazard to motorists whatsoever.

EXECUTIVE ACTION ON SENATE BILL 133

Motion/Vote:

SEN. HARP moved SB 133 DO PASS and the motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 135

Motion/Vote:

SEN. TVEIT moved SB 135 DO PASS and the motion CARRIED UNANIMOUSLY.

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE JAN. 17, 1993

NAME	PRESENT	ABSENT	EXCUSED
SEN. CECIL WEEDING, CHAIR	X		
SEN. BETTY BRUSKI-MAUS, VICE-CHAIR	X		
SEN. JOHN HARP	X		
SEN. FRANCIS KOEHNKE	X		
SEN. HENRY McCLENNAN	X		
SEN. JACK "DOC" REA	X		
SEN. BARRY "SPOOK" STANG	X		
SEN. CHARLES "CHUCK" SWYSGOOD	X		
SEN. DARYL TOEWS	X		
SEN. LARRY TVEIT	X		

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 19, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 135 (first reading copy -- white), respectfully report that Senate Bill No. 135 do pass.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

Testimony on Senate Bill 135

by

Thomas J. Barnard
Administrator, Highways Division
Montana Department of Transportation

SENATE HIGHWAYS

EXHIBIT NO. 2

DATE JAN. 19, 1993

BILL NO. SB 135

The proposed legislation involves modification of subsection (a) of section (2) of article 61-8-207 MCA which addresses the required driver response to the display of yellow following the green traffic signal indication. The existing code requires the following driver response when facing a yellow:

"Vehicular traffic facing the signal is thereby warned that red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited."

The existing code's prohibition on vehicular traffic crossing the intersection at any time when the traffic signal indication is red creates a situation where the driver has a high potential for unintentional violation. It is very common for the driver to legally enter the intersection on yellow and then have the traffic signal display change to red while completing the crossing, placing them in violation. The yellow or caution displayed is intended to warn the driver that there is a pending change from the green (Go) to the red (stop) condition. When yellow is displayed to the drivers a decision must be made. They must judge their relative distance from the intersection and travel speed to decide whether to stop or proceed through. Only a slight error in judgement will place them in violation.

It is the intent of this legislation to amend this portion of the code to no longer include "or be crossing" in section (2) subsection (b) and eliminate that potential unavoidable violation. This amendment is consistent with recommended practice found in both the Federal Highway Administration's "Manual on Uniform Traffic Control Devices" and the National Committee on Uniform Traffic Laws and Ordinances' "Uniform Vehicle Code and Model Traffic Ordinance".

To improve the efficiency of signalized intersections, which have a low volume of left turns, signals are designed to accommodate the left turns during the yellow phase. Often this results in vehicles not clearing the intersection prior to the display of the red indication while having legally entered the intersection on yellow. This is in violation of current law but is a safe maneuver that is encouraged.

This amendment to the traffic law will not present any increase in hazard to the motorist. The present practice used to provide for

Testimony SB 135 Cont.

the change from the green (Go) display to the red (Stop) display is to use the yellow (Caution) display to warn the drivers of the pending change and allow them to come to a comfortable stop or pass through the intersection. To guarantee that traffic has cleared the intersection area before releasing conflicting traffic flow the yellow display is commonly followed by an interval displaying red (Stop) to all of the intersecting approaches at the same time. This allows the clearing of the intersection before any new green (Go) display is initiated.

DATE JAN. 19, 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: SB 133, SB 135

Name	Representing	Bill No.	Check One	
			Support	Oppose
Tom Barnard	Dept. of Transportation	133	✓	
Tom Barnard	" " "	135	✓	
DON DUSEK	" " "	135	✓	
Carl Schepitzer	Mont Contractors' Assoc	133	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Proponents' Testimony:

Linda Ellison, Montana Trail Vehicle Riders Association, stated the Association is in favor of this bill. EXHIBIT 5

Doug Abelin, Montana Trail Vehicles Association, stated that this is a good bill which has merit and recommends a do pass vote.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. ENDY asked how long the temporary use permit would be. Ms. Ellison stated the temporary permit for snowmobiles is 30 days in length. The reason for the calendar year is for convenience so they will not have to make several stops.

REP. LARSON stated if a Montana boater took his boat to Idaho a sticker would need to be purchased before the boat is put in the water. Ms. Ellison replied that boats were not considered off-road vehicles.

REP. VOGEL asked how much money would be raised from this bill. REP. BROWN answered that the department estimated \$3,000 would be raised. He, however, believes it will be more like \$1,500 to \$2,000.

REP. VOGEL, noting that 50% of the fine will be used for off-road education, asked who would administer the education. REP. BROWN stated Fish, Wildlife, and Parks will administer it under the trail program established two years ago.

REP. VOGEL asked if the other 50% would go to enforcement. REP. BROWN stated yes, it would help cover costs.

CHAIRMAN CLARK asked where people are going to get these forms. Mr. Walker answered it would be from Fish, Wildlife and Parks game wardens.

Closing by Sponsor:

REP. BROWN, in closing, stated the bill is fairly straightforward and he would appreciate serious consideration by the committee.

HEARING ON SB 135Opening Statement by Sponsor:

SEN. KENNETH MESAROS, SD 21 Cascade, stated that SB 135 is straightforward, dealing with intersection left-hand turns. Current law states if you are in the center of an intersection when the light turns red you are in violation. This bill will delete this language from the statutes and will facilitate those who have been caught in an intersection attempting a left-hand

turn when the light turns red. It is a very simple change in the law.

Proponents' Testimony:

Tom Barnard, Department of Transportation, stated the Department is in favor of SB 135. EXHIBITS 6 AND 7

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. GALVIN stated that he walks in the crosswalk while traffic is turning and has nearly been hit a half dozen times. Mr. Barnard stated that the pedestrian has the right-of-way.

REP. GALVIN stated that in the bill the pedestrian may not enter until the pedestrian can do so safely, without interfering with any vehicular traffic. Mr. Barnard stated he is not sure of the background behind that line of the bill. If a pedestrian is in a marked crosswalk or at an unmarked intersection, the pedestrian has the right-of-way.

Closing by Sponsor:

SEN. MESAROS stated that this is a simple bill and urged the committee's favorable consideration.

RECOMMENDATION FOR COMMITTEE BILL

Motion: REP. VOGEL MOVED FOR A COMMITTEE BILL.

Discussion: CHAIRMAN CLARK explained the petition. EXHIBIT 8

Vote: Motion CARRIED unanimously.

EXECUTIVE ACTION ON SB 135

Motion/Vote: REP. MOVED SB 135 BE CONCURRED IN. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 337

Motion: REP. WHALEN MOVED HB 337 DO PASS.

Motion/Vote: REP. VOGEL MOVED TO ADOPT THE AMENDMENTS. Motion CARRIED unanimously. EXHIBIT 9

Motion/Vote: REP. STANFORD MOVED HB 337 DO PASS AS AMENDED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 294

Motion: REP. LARSON MOVED HB 294 DO PASS.

HOUSE OF REPRESENTATIVES
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE Feb. 1, 1993

NAME	PRESENT	ABSENT	EXCUSED
REP. KARYL WINSLOW - VICE CHAIR	✓		
REP. SHIELL ANDERSON	✓		
REP. JOE BARNETT	✓		
REP. BILL ENDY	✓		
REP. DAVID EWER			✓
REP. PAT GALVIN - VICE CHAIR	✓		
REP. MARIAN HANSON	✓		
REP. VERN KELLER	✓		
REP. DON LARSON	✓		
REP. GARY MASON	✓		
REP. BILL RYAN	✓		
REP. WAYNE STANFORD	✓		
REP. BILL TASH	✓		
REP. RANDY VOGEL	✓		
REP. TIM WHALEN	✓		
CHAIR BOB CLARK	✓		

HOUSE STANDING COMMITTEE REPORT

February 2, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 135 (third reading copy -- blue) be concurred in.

Signed: Robert C. Clark
Robert C. Clark, Chair

Carried by: Rep. Wiseman

EXHIBIT 60
DATE 2-1-93
SB 135

Testimony on Senate Bill 135

by

Thomas J. Barnard
Administrator, Highways Division
Montana Department of Transportation

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The existing code's prohibition on vehicular traffic crossing the intersection at any time when the traffic signal indication is red creates a situation where the driver has a high potential for unintentional violation. It is very common for the driver to legally enter the intersection on yellow and then have the traffic signal display change to red while completing the crossing, placing them in violation. The yellow or caution displayed is intended to warn the driver that there is a pending change from the green (Go) to the red (stop) condition. When yellow is displayed to the drivers a decision must be made. They must judge their relative distance from the intersection and travel speed to decide whether to stop or proceed through. Only a slight error in judgement will place them in violation.

It is the intent of this legislation to amend this portion of the code to no longer include "or be crossing" in section (2) subsection (b) and eliminate that potential unavoidable violation. This amendment is consistent with recommended practice found in both the Federal Highway Administration's "Manual on Uniform Traffic Control Devices" and the National Committee on Uniform Traffic Laws and Ordinances' "Uniform Vehicle Code and Model Traffic Ordinance".

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Testimony SB 135 Cont.

the change from the green (Go) display to the red (Stop) display is to use the yellow (Caution) display to warn the drivers of the pending change and allow them to come to a comfortable stop or pass through the intersection. To guarantee that traffic has cleared the intersection area before releasing conflicting traffic flow the yellow display is commonly followed by an interval displaying red (Stop) to all of the intersecting approaches at the same time. This allows the clearing of the intersection before any new green (Go) display is initiated.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

SB135

Highway

COMMITTEE

BILL NO.

HB294 &

DATE 2-1-93

SPONSOR(S)

Rep. Larson, Rep. Brown

HB337

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DAVID GALT	MDT HB294	✓	
DAVE BROWN	State Rep. - sponsor HB337	✓	
Carl Schweitzer	Mont Cond Assoc.	✓ HB294	
Jinda Ellison	MT Trail Vehicle Riders Assn HB337	✓	
Pat Enlow	Capital Trail Vehicle Assn.	✓	
James A. Walther	MDT HB294	✓	
Tim Dixon	Dixon Bros. Inc.		Amey ✓
Ben Hardman	Mont Motor Carriers Assn		Amey ✓
Doug Kralin	MT TRAIL VEHICLES ASSN #337	✓	
Bob Walker	FW + P HB337	✓	
Glenna Wortman - Obie	HB294	✓	
Tom Bernard	Mont. Dept. of Transp. SB135	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.